

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: CASE NO.: 17-77934-ast  
Sonia E. Torres, CHAPTER: 13  
Debtor. HON. JUDGE.: Alan S. Trust

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**ORDER CONDITIONALLY GRANTING RELIEF  
FROM THE AUTOMATIC STAY**

Upon the Motion of BSI Financial Services as servicer for U.S. Bank Trust National Association as trustee of the Cabana Series III Trust (the “Movant”), filed August 5, 2019, with exhibits attached thereto, submitted in support of said application, with proof of service upon the Trustee, Debtor, Debtor’s Attorney, and U.S. Trustee;

**NOW**, upon the motion of Friedman Vartolo, LLP attorneys for Movant, upon the consent of the Debtor and Debtor’s Attorney, it is hereby:

**ORDERED**, that the motion of Movant is conditionally granted as set forth below, and it is further

**ORDERED**, that the Debtor shall amend her Chapter 13 Plan on or before February 15, 2020 to include all post-petition arrears on her mortgage, reasonable attorney’s fees in the amount of \$700.00, and costs in the amount of \$181.00 for arrears in the total sum of \$16,049.94; and said arrears are broken down as follows:

6 Monthly Payments (08/01/2019-01/01/2020) at \$2,910.20 each	= \$ 17,461.20
Reasonable Attorney’s Fees	= \$ 700.00
Reasonable Attorney’s Costs	= \$ 181.00
Less Suspense	= \$ (2,292.26)
Total	= \$ 16,049.94

and it is further,

**ORDERED**, that the Debtor shall make timely regular monthly payments to Movant by the first day of each and every month, commencing with the February 1, 2020 payment and said payments shall be mailed to:

BSI Financial Services  
314 S. Franklin Street  
P.O. Box 517  
Titusville, PA 16354

and it is further;

**ORDERED**, that in the event the Debtor fails to amend the Chapter 13 Plan on or before February 15, 2020 or tender her regular ongoing payments and thereafter fails to cure the default within ten (10) days from the date of service of a written Notice of Default on the Debtor and Debtor's Attorney, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law with respect to the real property known as 48 Juniper Street, Central Islip, NY 11722, (the "Property"); and it is further

**ORDERED**, that in the event that three (3) Notices of Default have been sent to Debtor and Debtor's Attorney as a result of two defaults under this Order, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law to exercise its remedies against the Property; and it is further

**ORDERED**, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

**ORDERED**, that the Movant shall promptly report and turn over to the Chapter 13 Trustee any surplus monies realized by any sale of the Property.

By:   
Lawrence S Lefkowitz  
575 Uniondale Avenue  
Uniondale, NY 11553

Date: 2-12, 2020

By: /s/ Richard Postiglione, Esq.  
Richard Postiglione, Esq.  
Attorney for Movant  
1325 Franklin Avenue, Ste. 230  
Garden City, NY 11530

Date: February 12, 2020

**Dated: March 11, 2020**  
**Central Islip, New York**



  
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**Alan S. Trust**  
**United States Bankruptcy Judge**